

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2/18/09 has been entered.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Abraham J. Rosner on 4/27/09.

The application has been amended as follows:

IN THE CLAIMS:

Claim 2 has been amended to read:

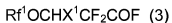
"A fluoroalkylcarboxylic acid derivative represented by the general formula (ii):

$\text{Rf}^1\text{OCHX}^1\text{CF}_2\text{COOM}$ (ii)

wherein Rf^1 represents a straight or branched fluoroalkyl group containing 1 to 8 carbon atoms, said fluoroalkyl group may optionally contain 1 to 5 oxygen atoms in the principal chain thereof, X^1 represents hydrogen atom of fluorine atom, and M represents NH_4 or a monovalent metal element.”

Claim 16 has been amended to read:

“ A method of producing a fluoroalkylcarboxylic acid derivative, which comprises producing the fluoroalkylcarboxylic acid derivative according to Claim 2 by converting a fluorocarboxylic acid fluoride represented by general formula (3):



wherein Rf^1 and X^1 are as defined in Claim 2, to a fluorocarboxylic acid salt.”

Claims 9-15 and 18-19 have been canceled.

Rejoinder of previously withdrawn subject matter

Claim 2 is directed to an allowable product. Pursuant to the procedures set forth in MPEP § 821.04(b), claims 16, 17 and 20, directed to the process of making or using the allowable product, previously withdrawn from consideration as a result of a restriction requirement, are hereby rejoined and fully examined for patentability under 37 CFR 1.104.

Because a claimed invention previously withdrawn from consideration under 37 CFR 1.142 has been rejoined, **the restriction requirement between groups I and IV**

as set forth in the Office action mailed on 8/13/07 is hereby withdrawn. In view of the withdrawal of the restriction requirement as to the rejoined inventions, applicant(s) are advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Once the restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. See *In re Ziegler*, 443 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yevgeny Valenrod whose telephone number is 571-272-9049. The examiner can normally be reached on 8:30am-5:00pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Sullivan can be reached on 571-272-0779. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Yevgeny Valenrod/

Yevgeny Valenrod
Patent Examiner
Technology Center 1600

/Paul A. Zucker/
Primary Examiner, Art Unit 1621